

**PUBLIC MEETING
April 13, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Paul Stahl, Jeff Sealey, Katie Jerstad, Kelly Blake, Lindsay Morgan, Michele Peterson, Carrie Severson, Laura Erikson, Rebecca Shaw, Jesse Whitford, Tammy Potter, Kim Smith, Mark Simonich, Carol Hollow, Michael Mayer, Dean Retz, Jim Taylor and Misty Edwards, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes - January 14, 28, February 25, March 2, 4, 9, 11, 16, 18, 23 and 25, 2010. (Carole Byrnes)
- b. Combined Resolution 2010-127 for Tenant Based Rental Assistance Program. (Laura Erikson)
- c. Independent Contractor Agreement for Commissary Services to Lewis and Clark County Sheriff's Office with Correction Connections of Idaho (Tammy Potter)

CAO Bryson reported on the consent action items and recommended approval.

No public comments were received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Section 00500 Agreement Between Lewis and Clark County and Mockel Precast and Excavating Co., Inc. for Road Preparation and Paving of Roadway for Autumn Wind Court. (Jesse Whitford) (Tabled from April 6, 2010) The Commission will consider the Agreement.

No public comments were received.

Commissioner Hunthausen moved approval of the agreement and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Amended Plat of Lot A - Guettler Subdivision No. 2. (Applicant: Kim Smith) (Planner: Lindsay Morgan) (Continued from April 6, 2010) (Decision) The Commissioners will consider the applicant's request to reduce his security for his Subdivision Improvements Agreement.

Commissioner Hunthausen moved to deny the applicant's request. The motion failed for lack of a second. Commissioner Brown moved to reduce the security requirement to one-third of the existing amount (to cover only the off-site road improvements) based on the uncertainty of the road lawsuit situation and Mr. Smith's investment and long-standing character in the community, and render a final decision at Thursday's public meeting. Commissioner Murray seconded the motion.

Commissioner Hunthausen stated that the bonding amount should relate directly to the conditions of approval which would be the more appropriate way to address this. Commissioner Brown explained how he arrived at one-third of the amount.

No public comments were received.

The motion carried 2-1. Commissioner Hunthausen voted no.

Proposed Subsequent Minor Subdivision, Amended Plat of Lot 5CD – Lamb Ranchettes. (Applicant: Carol Hollow) (Planner: Michele Peterson) (Continued from April 6, 2010) (Decision) The applicant proposes creating two lots, each for one single-family dwelling.

The applicant is requesting four variances: fire protection requirements; average length: width ratio; length of a dead-end road; and from providing two ingress-egress routes and providing legal and physical access to the subdivision.

Variance #1 - Commissioner Hunthausen moved approval of a variance to permit lots with a length greater than three times the average width in the subdivision. Commissioner Brown seconded the motion. The motion carried 3-0.

Variance #2 - Commissioner Hunthausen moved approval of a variance to exempt the proposed subdivision from requirement for needing fire flow source on-site. Commissioner Brown seconded the motion. Michele Peterson stated she was contacted by the Pleasant Valley–Ten Mile Water User's Association attorney on Friday and they would not be making any agreements with any subdivisions in the area to provide water. The motion carried 2-1. Commissioner Murray opposed the motion.

Variance #3 - Commissioner Hunthausen moved approval of a variance to avoid having to install hammer-head turn around within 1,300 feet in length from the frontage road and allow the applicant legal access to the proposed subdivision, which is greater than 1,300 feet on a dead-end road. Commissioner Brown seconded the motion. The motion carried 3-0.

Variance #4 - Commissioner Hunthausen moved to exclude the applicant from providing at least two different ingress/egresses. Commissioner Brown seconded the motion. The motion carried 3-0.

Commissioner Hunthausen moved approval of the proposed subdivision subject to 11 conditions as recommended by staff and authorized the Chair to sign. Commissioner Brown seconded the motion.

Amendments to Conditions of Approval.

Condition of Approval #8.a. To read; "*notification that lots 5CD-1 and 5CD-2 are approved for one single-family dwelling.*" Commissioner Hunthausen moved to modify the condition as recommended by staff. Commissioner Brown seconded the motion for discussion.

Commissioner Brown moved to modify condition 8.a. to read; "*...restricted to uses allowed within Special Zoning District 41.*" Commissioner Murray seconded the motion. The motion carried 2-1. Commissioner Hunthausen voted no.

Condition 8.c. Septic Permits. Commissioner Brown moved to remove the condition as redundant with condition 1. Commissioner Murray seconded the motion for discussion. The motion failed 2-1. Commissioner Hunthausen and Murray voted no.

Condition 8.i. Notification of the potential health risks from radon concentration, and that such risks can be evaluated through soil tests and mitigated through radon abatement techniques in the structures. Commissioner Brown moved to remove the language, "evaluated through soil tests". Commissioner Hunthausen seconded the motion for discussion.

Commissioner Brown retracted his motion. A new motion was made to remove "soil" from the condition. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Condition 8.k. Commissioner Brown moved to remove this condition. The county is not in a position to enforce building codes. Commissioner Hunthausen seconded the motion for discussion. The motion failed 2-1. Commissioners Murray and Hunthausen voted not to remove the condition.

Condition 8.g. Notification of the presence of agricultural operations in the vicinity. Commissioner Brown moved to remove this condition. Commissioner Hunthausen seconded the motion for discussion. The motion failed 2-1. Commissioners Murray and Hunthausen voted not to remove the condition.

Condition 8.u. Each lot shall be maintained in a clean, attractive and weed free manner, and not just weeds, must be pulled, sprayed or cut, referring to Sec. 77-22-2121. Commissioner Brown moved to remove the words "clean and attractive" from the condition. Commissioner Murray seconded the motion for discussion. The motion failed 2-1. Commissioners Murray and Hunthausen voted not to remove the condition.

Condition 8.v.i. Variances granted for fire protection, double-fronted lots, the length of a dead-end road, and two ingress/egress routes. Commissioner Brown moved to remove "double-fronted lots" (staff error) and insert "lots three times their length." Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Condition 8.kk and ll.

kk. Notification that all lots lie within the boundary of Special Zoning District 41.

ll. Notification that people should check with the Community Development & Planning Office to determine whether applicable zoning regulations apply.

Commissioner Brown moved to remove 8.ll as redundant with Condition 1.

Commissioner Murray seconded the motion. The motion was amended to renumber these as 8.w and 8.x. Commissioner Murray seconded the amended motion. The motions carried 3-0.

The motion to approve the proposed subdivision subject to 11 conditions of approval as amended carried 3-0.

Proposed Approach – Glacier Point Subdivision Lot 12. (Applicant: Michael Mayer)
(Continued from April 6, 2010) (Decision) The Commissioners will consider a proposed approach for Glacier Point Subdivision Lot 12.

Commissioner Hunthausen moved to overturn the administrative decision requiring a 40-foot separation and directed staff to develop approach permit standards that work more effectively in small lots and more dense developments, taking into account recognized standards as well as the health, safety and welfare of the public, and to use their delegated authority in the Subdivision Regulations to modify permit applications to allow for individual determinations for the appropriate location of driveway approaches. Commissioner Murray seconded the motion.

Break 10 minutes to photocopy and distribute the written motion to the Commissioners.


The motion carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Kim Smith stated subdivision approaches have been problematic and recommended a few changes to the subdivision regulations: (1) install a two-foot concrete approach coming off of the road; and (2) design subdivisions to eliminate ditches. The runoff would be retained on each individual lot.

There was no other business, the meeting adjourned at 10:01 a.m.

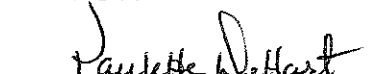
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board